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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,832	08/30/2001	Bryan Yunker	PICO-0034-1	6875

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Ajay A. Jagtiani
Jagtiani & Associates
Democracy Square Business Center
10379-B Democracy Lane
Fairfax, VA 22030

EXAMINER

NASRI, JAVAID H

ART UNIT PAPER NUMBER

2839

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,832

Applicant(s)

YUNKER ET AL.

Examiner

Javaid Nasri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 34-57 is/are pending in the application.
- 4a) Of the above claim(s) 8-28 and 34-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 7 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Poplawski et al.

Poplawski et al discloses two optical receptacles for two respective transceivers (520, 520') having a shared wall, connecting means (see figure 14), four optical receptacles (see figure 14), more than four optical receptacle (see figure 8), unitary shared wall (see marked figure 14, attached, showing unitary shared wall), mounting means, unitary construction.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poplawski et al.

Poplawski et al discloses all the limitations of claim 1 as shown above, Poplawski et al also discloses the shared wall comprise a unitary shared wall.

However, Poplawski et al does not disclose:

- a) the shared wall has a thickness of 0.001 inch to 0.15 inch. It would have been an obvious matter of design choice for Poplawski et al to have the shared wall has a thickness of 0.001 inch to 0.15 inch, since such a modification would have involved a mere change in the size of a component. A change in size or shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Note: According to the specification page 25, lines 11 and 12, a thickness of 0.001 inch to 0.15 inch is a **matter of preferences** by the applicant.

5. Claims 1-4, 7 and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art figures 1 and 2.

The admitted prior art figures 1 and 2 discloses two optical receptacles for two respective transceivers having a shared wall, connecting means, four optical receptacles, more than four optical receptacle, unitary shared wall, mounting means, unitary (unibody) construction.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art figures 1 and 2.

The admitted prior art figures 1 and 2 discloses all the limitations of claim 1 as shown above, the admitted prior art figures 1 and 2 also discloses the shared wall comprise a unitary shared wall.

However, the admitted prior art figures 1 and 2 does not disclose:

- a) the shared wall has a thickness of 0.001 inch to 0.15 inch. It would have been an obvious matter of design choice for the admitted prior art figures 1 and 2 to have the shared wall has a thickness of 0.001 inch to 0.15 inch, since such a modification would have involved a mere change in the size of a component. A change in size or shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Note: According to the specification page 25, lines 11 and 12, a thickness of 0.001 inch to 0.15 inch is a **matter of preferences** by the applicant.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's comment that:

- a) Poplawski et al does not disclose a shared or an unitary shared wall, it should be noted that Poplawski et al does disclose a shared or an unitary shared wall. (See

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marked figure 14, attached). It should be noted that this application claims just a unitary shared wall, no orientation is specified. Figure 14 of Poplawski et al does show an unitary shared wall as marked on the figure 14 attached between (520, 520').

Contact

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 703 308 5876. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 703 308 2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.


Javaid Nasri
Primary Examiner
Art Unit 2839

JN
jhn
April 17, 2003